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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,395	08/21/2003	Paul G. Strupp	5858P9603	8093

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EXAMINER	
LEE, JINHEE J	
ART UNIT	**PAPER NUMBER**
2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/645,395	STRUPP, PAUL G.	
	Examiner	Art Unit	
	Jinhee J. Lee	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) *31-36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 31-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper Dated 1/2/07.

The requirement is made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims recite limitations such as "a plurality of reservoirs", "a plurality of connectors", "a plurality of ...indicators", "connecting select reservoirs" which are confusing. The claims do not clarify that the items of limitations cited above are only graphical representations displayed on a display not, the actual reservoirs, i.e. websites, or high ways. Examiner suggests using language that will clarify that the graphical representation is a screen shot showing a plurality of reservoirs, connectors, etc.

Claim 1 recites the limitation "connectors" in line 5. This is confusing, is this same as the connecting lines 214 and 216, or is this a physical connector, such as between two computers with wires in between. Clarify.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 1-30, these claims claim a data structure, however, it appears the limitations of said claim are merely claiming statements defining various items, therefore said limitations do not appear to be defining any functional interrelations which permits the computer program's functionality (or data structure's functionality) to be realized.

In view of the above, claims 1-30 are therefore directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Germain et al. (6900822).

Re claim 1, Germain et al. discloses a graphical representation of interaction between reservoirs comprising:

a plurality of reservoirs, each of the plurality reservoirs communicating with at least another one of the plurality of reservoirs;

a plurality of connectors disposed between select reservoirs from the plurality of reservoirs to indicate communication between the select reservoirs of the plurality of reservoirs, each of the connectors having a prominence corresponding to a level of the communication between the select reservoirs;

a plurality of net flow indicators to identify a net flow between the select reservoirs of the plurality of reservoirs;

and a plurality of outflow indicators to indicate an amount of traffic between the select reservoirs of the plurality of reservoirs (see figure 5 annotated below for example).

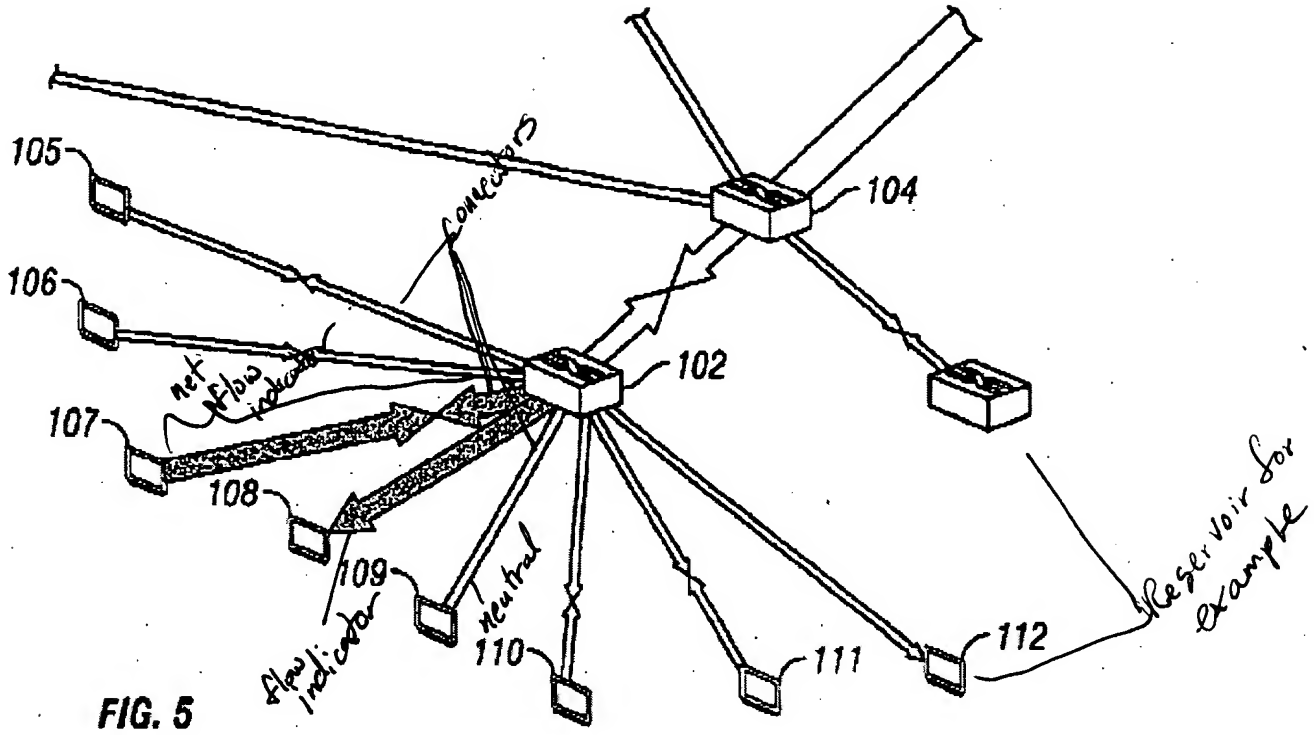

FIG. 5

Re claim 2, Germain et al. discloses a graphical representation wherein the plurality of reservoirs are selected from a group comprising web sites, subsections of a web site, directories, subdirectories, stores, airports, runways, banks, highways, and predefined content groups (networks being predefined content groups for example, see abstract).

Re claim 3, Germain et al. discloses a graphical representation wherein the plurality of connectors are selected from a group comprising solid lines, dotted lines, and combinations thereof (see figure 5 for example).

Re claim 4, Germain et al. discloses a graphical representation wherein the plurality of net flow indicators (combination of the flow lines that show what the net flows are) are arrows (see figure 5 for example).

Re claim 5, Germain et al. discloses a graphical representation wherein the arrows are one or more of shaded and colored arrows (see figure 5 for example).

Re claim 6, Germain et al. discloses a graphical representation wherein the prominence is illustrated by an item selected from a group comprising thickness, color, shapes, and combinations thereof (see figure 5 for example).

Re claim 7, Germain et al. discloses a graphical representation wherein the level of communication is determined by a total amount of traffic between corresponding reservoirs (see figure 5 and column 4 lines 52-60 according to the numbering in the middle for example).

Re claim 8, Germain et al. discloses a graphical representation wherein each of the plurality of reservoirs is sized based on a total traffic handled by that reservoir (see figure 5 and column 6 lines 2-15 for example).

Re claim 9, Germain et al. discloses a graphical representation wherein each of the plurality of reservoirs has a different color or shape to identify whether that reservoir is one of an importer reservoir, exporter reservoir, and neutral reservoir (arrows going one way, the other, and some with no arrows, see figure 5 for example).

Re claim 10, Germain et al. discloses a graphical representation wherein each of the plurality of outflow indicators includes a directional indicator (arrow direction for example) and a value indicator (size for example), wherein the value indicator identifies a level of traffic in a single direction (see figure 5 for example).

Re claim 11, Germain et al. discloses a method of generating a graphical representation of interaction between a plurality of reservoirs comprising:

determining a number of referrals to each of the plurality of reservoirs from the remaining plurality of reservoirs;

determining a total traffic handled by each of the plurality of reservoirs; determining reservoir types and representing each of the plurality of the reservoirs accordingly;

determining a relative size of each of plurality of reservoirs; connecting select reservoirs from the plurality of reservoirs;

providing a plurality of net flow indicators between the select reservoirs; and

providing a plurality of outflow indicators between the select reservoirs (determinations represented in figure 5 for example).

Re claim 12, Germain et al. discloses a method wherein the reservoir types are selected from a group comprising importer, exporter, and neutral (see figure 5 for example).

Re claim 13, Germain et al. discloses a method wherein the select reservoirs are connected with a plurality of connectors having a relative prominence corresponding to an amount of traffic between each pair of the select reservoirs (see figure 5 for example).

Re claim 14, Germain et al. discloses a method wherein the relative prominence is illustrated by an item selected from a group comprising thickness, color, shapes, and combinations thereof (see figure 5 for example).

Re claim 15, Germain et al. discloses a method wherein the plurality of connectors are selected from a group comprising solid lines, dotted lines, and combinations thereof (see figure 5 for example).

Re claim 16, Germain et al. discloses a method wherein the relative size of each of the plurality of reservoirs is determined based on the total traffic handled by that reservoir (see column 6 lines 2-15 for example).

Re claim 17, Germain et al. discloses a method wherein the select reservoirs communicate with each other (see figure 5 for example).

Re claim 18, Germain et al. discloses a method wherein the plurality of reservoirs are selected from a group comprising web sites, subsections of a web site, directories, subdirectories, stores, airports, runways, banks, highways, and predefined content groups (see abstract for example).

Re claim 19, Germain et al. discloses a method wherein the plurality of net flow indicators are arrows (see figure 5 for example).

Re claim 20, Germain et al. discloses a method wherein each of the plurality of outflow indicators includes a directional indicator and a value indicator, wherein the value indicator identifies a level of traffic in a single direction (see figure 5 for example).

Re claim 21, Germain et al. discloses a method of generating a graphical representation of interaction between reservoirs comprising: providing a plurality of reservoirs, each of the plurality reservoirs communicating with at least another one of the plurality of reservoirs; providing a plurality of connectors disposed between select reservoirs from the plurality of reservoirs to indicate communication between the select

reservoirs of the plurality of reservoirs, each of the connectors having a prominence corresponding to a level of the communication between the select reservoirs; providing a plurality of net flow indicators to identify a net flow between the select reservoirs of the plurality of reservoirs; and providing a plurality of outflow indicators to indicate an amount of traffic between the select reservoirs of the plurality of reservoirs (see figure 5 for example).

Re claim 22, Germain et al. discloses a method wherein the plurality of reservoirs are selected from a group comprising web sites, subsections of a web site, directories, subdirectories, stores, airports, runways, banks, highways, and predefined content groups (see abstract for example).

Re claim 23, Germain et al. discloses a method wherein the plurality of connectors are selected from a group comprising solid lines, dotted lines, and combinations thereof (see figure 5 for example).

Re claim 24, Germain et al. discloses a method wherein the plurality of net flow indicators are arrows (see figure 5 for example).

Re claim 25, Germain et al. discloses a method wherein the arrows are one or more of shaded and colored arrows (see figure 5 for example).

Re claim 26, Germain et al. discloses a method wherein the prominence is illustrated by an item selected from a group comprising thickness, color, shapes, and combinations thereof (see figure 5 for example).

Re claim 27, Germain et al. discloses a method wherein the level of communication is determined by a total amount of traffic between corresponding reservoirs (see column 4 lines 52-60 and column 6 lines 2-15 for example).

Re claim 28, Germain et al. discloses a method wherein each of the plurality of reservoirs is sized based on a total traffic handled by that reservoir (see column 4 lines 52-60 and column 6 lines 2-15 for example).

Re claim 29, Germain et al. discloses a method wherein each of the plurality of reservoirs has a different color or shape to identify whether that reservoir is one of an importer reservoir, exporter reservoir, and neutral reservoir (see figure 5 for example)

Re claim 30, Germain et al. discloses a method wherein each of the plurality of outflow indicators includes a directional indicator and a value indicator, wherein the value indicator identifies a level of traffic in a single direction (see figure 5 for example).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M- F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee
Primary Examiner
Art Unit 2174

jjl